REMARKS

This application has been reviewed in light of the Office Action dated August 11, 2003. Claims 1-16 are pending in the application. Claims 1, 6, 8, 9, 10, 12 and 14-16 are amended in a manner that Applicants believe overcome the rejections in the Office Action. Support for the amendments can be found throughout the specification and figures of the present disclosure (*see e.g.*, page 6, lines 3-9, and page 11, lines 4-24). No new matter or issues are introduced by the amendments.

In the Office Action, claims 1-5, and 9-16 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,304,892 to Bhoj et al. (Bhoj). However, it is respectfully submitted that independent claim 1 as amended herein, claims 2-5 ultimately depending therefrom, independent claim 9 as amended herein and claims 10-16 ultimately depending therefrom clearly and patentably distinguish over Bhoj. Further, Applicants respectfully submit that Bhoj does not teach or suggest each and every element in claims 1-5 or 9-16.

The Examiner erroneously indicated that Bhoj anticipates "defining classes of back end servers" in Figs. 2, 5 and col. 9, line 19 – col. 10, line 7. Applicants respectfully submit that, contrary to the Examiner's characterizations, Bhoj in no way discloses or suggests the concept of providing service levels as a function of class. The claimed elements of the claims as amended are not anticipated in the referenced section(s) or anywhere else in the Bhoj reference. Rather, the reference simply illustrates the fact that various <u>types</u> of back end servers are known. Applicants respectfully submit that the known existence of <u>various types</u> of back end servers does not teach or suggest defining <u>classes of service</u> on back end servers as claimed in claims 1 and 9 and disclosed in the specification.

Further, claim 1 is amended herein to more clearly describe the nature of classes of service. Independent claim 1 as amended recites, *inter alia*, "defining classes of service for at least one of host system, user, URL, hosted site, transaction, content and file type" and "defining a set of parameters to be measured for each of said classes." Similarly, independent claim 9 recites, *inter alia*, "defining classes of service parameters according to a hierarchy of service

levels" and "selecting at least one class of service parameters to be monitored." Bhoj in no way discloses or suggests "defining classes" as disclosed in Applicants' specification and recited in amended independent claims 1 or 9.

The Examiner also indicated that Bhoj discloses "defining a set of parameters to be measured for each of said classes of back end servers" and that Bhoj "implicitly discloses the service management system 31a-33a defines or selects classes of back end servers (e.g. payroll, printing, e-mail server host)." Here again, the Examiner has erroneously interpreted the distinction between "classes" of services on back end servers as claimed and different kinds or types of back end servers as known in the art such as, for example, email servers, news servers etc. as shown in Fig. 2 of Bhoj.

Applicants respectfully submit that Bhoj does not teach or suggest "defining classes of service for at least one of host system, user, URL, hosted site, transaction, content and file type" as disclosed and claimed in independent claim 1 as currently amended or "defining classes of service parameters according to a hierarchy of service levels" and "selecting at least one class of service parameters to be monitored" as claimed in independent claim 9 as currently amended. Dependent claims 10, 12, 14, 15 and 16 are also amended herein to more clearly describe the invention according to the current amendments to claim 9.

Because Bhoj does not teach or suggest each and every element of independent claims 1 or 9 as amended, it is respectfully submitted that independent claim 1, and amended claims 2-5, which ultimately depend therefrom, independent claim 9 as amended, and claims 10-16 which ultimately depend therefrom are not obvious under 35 U.S.C. 103(a). Reconsideration and withdrawal of the rejections are respectfully requested.

In the Office Action, claims 6-8 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bhoj in view of U.S. Patent No. 6,269,401 to Fletcher et al. ("Fletcher"). However, it is respectfully submitted that neither Bhoj nor Fletcher teach or suggest each and every element of independent claim 6 as amended herein or claims 7-8 ultimately depending therefrom.

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Claim 6 as currently amended recites "a collection processor measuring and periodically collecting a set of defined parameters for said at least one back-end server...wherein said acceptance levels depend on at least one of a class of service for at least one of user, host system, URL, hosted site, transaction, content and file type." Applicants submit that Bhoj teaches sharing of selective service information between independently administered data service systems (IADSS) wherein each IADSS includes a service manager (Abstract). Fletcher discloses monitoring a communication network including host computer systems by measuring and storing performance statistics (Fig. 3, col. 6, lines 26 – 55). Applicant respectfully submits that neither Bhoj nor Fletcher taken alone or combined teach or suggest a collection processor periodically collecting a set of defined parameters for each of said back-end servers... wherein said acceptance levels depend on at least one of a "class of service" as particularly recited in the amended claim(s).

Regarding claims 7 and 8, Applicants submit that service manager in each IADSS as described in Bhoj does not teach or suggest the function or configuration of intelligent agents on each of a set of back end servers according to the present invention as claimed for example in claims 7 and 8.

It is respectfully submitted that each and every element of independent claim 6, as amended, and claims 7-8, which ultimately depend therefrom, are not anticipated, taught or suggested by Bhoj and/or Fletcher. Accordingly, Applicant's respectfully submit that claims 6 – 9 are not obvious under 35 U.S.C. 103(a). Reconsideration and withdrawal of the rejections are respectfully requested.

In view of the foregoing amendments and remarks, it is respectfully submitted that claims 1-16 presently pending in the application are believed to be in condition for allowance and patentably distinguish over the art of record. An early notice thereof is earnestly solicited. If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call the Applicants' undersigned attorney.

Please charge any deficiency as well as any other fees that may become due at any time during the pendency of this application, or credit any over payment of such fees to deposit account no. 50-0369. Also, in the event that any extensions of time for responding are required for the pending application, please treat this paper as a petition to extend the time as required and charge deposit account no. 50-0369 therefore.

Respectfully submitted,

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